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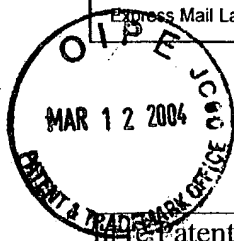
2994067547-US

Express Mail Label No.

Dated:

1/6/04

Docket No.: 09634/000L268-US0
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Shinichi Tsumori, et al.

Application No.: 10/024,320

Confirmation No.: 6688

Filed: December 18, 2001

Art Unit: 2661

For: IP PACKET TRANSMISSION APPARATUS,
IP PACKET TRANSMISSION METHOD,
AND RECORDING MEDIUM HOLDING
PROGRAM FOR SAME

Examiner: Not Yet Assigned

RECEIVED

MAR 19 2004

Technology Center 2600

**REQUEST UNDER 37 C.F.R. §1.181 TO WITHDRAW THE HOLDING
OF ABANDONMENT OF THE ABOVE-REFERENCED APPLICATION**

MS Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice of Abandonment mailed November 17, 2003, Applicants respectfully assert that for the following reasons, the withdrawal of the holding of abandonment is in order.

Applicants in the above-identified patent application have received a Notice of Abandonment, dated December 10, 2003, copy enclosed as Exhibit A, advising that the application is abandoned due to Applicants' failure to timely respond to the Notice To File Missing Parts (the "Notice") mailed January 24, 2002.

For the reasons set forth below, Applicants believe that the Notice of Abandonment is in error or due to actions by the USPTO and should be withdrawn.

{W:\09634\000L268000\00109895.DOC [REDACTED] }

In the alternative, abandonment of the application was unavoidable under 37 C.F.R. § 1.137(a). If deemed necessary, the Commissioner is authorized to charge the fee under Rule 1.17(l) for the Petition to Revive to Deposit Account No. 04-0100.

It is believed that the evidence submitted herewith is an adequate showing that the Notice of Abandonment should be withdrawn or that abandonment of the application was unavoidable. However, if the Commissioner does not agree, in the alternative, abandonment was unintentional. The abandonment of the application and the entire delay from the due date of the reply until the filing of this petition pursuant to 37 C.F.R. §1.137(b) was UNINTENTIONAL. If deemed necessary, the Commissioner is authorized to charge the fee under Rule 1.17(m) for the Petition to Revive to Deposit Account No. 04-0100.

STATEMENT OF THE RELEVANT FACTS

The present application was filed by the Applicants' previous attorney, The Morrison Law Firm ("MLF") on December 18, 2001. MLF received the Notice, mailed January 24, 2002, and the due date for a response, without fee, was March 24, 2002. MLF responded to the Notice on March 11, 2002. Enclosed herewith, as Exhibit B, is a copy of the Response to the Notice to File Missing Parts, the signed Declaration, a copy of the Notice and a copy of the check submitted by MLF for the full amount of the fee due (the "Response"). The Response was filed with a return postcard and the postcard was stamped as received by the Office of Initial Patent Examination (OPIE) on March 19, 2002 and returned to MLF. A copy of the stamped postcard is attached herewith as Exhibit C.

CONCLUSION


Applicants respectfully submit that the Response to the Notice was complete and was timely filed on March 19, 2002. The USPTO acknowledged receipt of the Response within the statutory time period for response and the stamped postcard is submitted as proof herewith. Applicants submit that the Response was misplaced or mishandled by the USPTO and respectfully submit that no petition fee is due and request that the holding of abandonment be withdrawn.

Applicants cannot verify if the check transmitted with the Response and paying the required fees was deposited by the USPTO. If the USPTO determines that the fee was not paid, the Commissioner is authorized to charge the fee to Deposit Account No. 04-0100.

Further, the Applicants submitted an Information Disclosure Statement concurrently with the Response. The IDS and copies of the references are submitted herewith for consideration by the Examiner.

Dated: January 6, 2004

Respectfully submitted,

By 

Louis J. DeJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

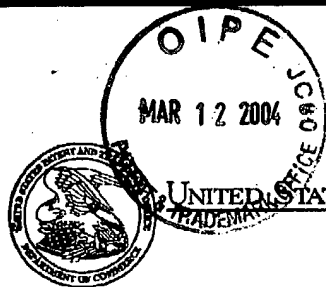
P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

09634/000 L268450

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/024,320	12/18/2001	Shinichi Tsumori	M2047-35

CONFIRMATION NO. 6688

**ABANDONMENT/TERMINATION
LETTER**



OC000000011454955

7278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Date Mailed: 12/10/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/24/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

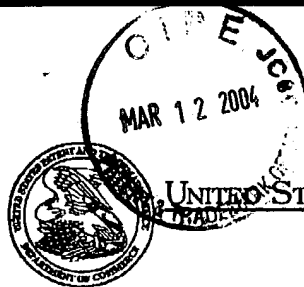
Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/024,320	12/18/2001	Shinichi Tsumori	M2047-35

CONFIRMATION NO. 6688

ABANDONMENT/TERMINATION
LETTER

OC000000011454955

7278
 DARBY & DARBY P.C.
 P. O. BOX 5257
 NEW YORK, NY 10150-5257

Date Mailed: 12/10/2003

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

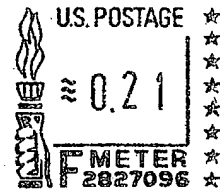
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Ser./Reg./Pat No. 12/024,320 File No. M204735 By UM
Title/Mark IP Packet Transmission Apparatus

In the Matter of the Application of S. Tsumori, et al
the following, due 3/24/02 in the U.S. Patent and Trademark Office, was received
in the Patent and Trademark Office Mail Room on the date stamped hereon:

- | | |
|--|--|
| <input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration | <input type="checkbox"/> Drawings _____ Sheet(s) including _____ Figs. <input type="checkbox"/> Formal <input type="checkbox"/> Informal |
| <input checked="" type="checkbox"/> Response to Office Action <u>MIP</u> | <input type="checkbox"/> Maintenance Fee |
| <input type="checkbox"/> Extension Request | <input checked="" type="checkbox"/> Certificate of Mailing (Express) |
| <input type="checkbox"/> _____ Application for Patent Including:
_____ pp. Specification, _____ Claims (_____ Indep.) | <input checked="" type="checkbox"/> Power of Attorney |
| <input checked="" type="checkbox"/> Declaration or <input type="checkbox"/> Oath <input type="checkbox"/> Abstract | <input checked="" type="checkbox"/> IDS and Form PTO-1449 <u>w/imp</u> |
| <input type="checkbox"/> Application for Registration/Renewal Including
Specimens/Facsimiles <input type="checkbox"/> ITU | <input type="checkbox"/> Priority Document(s) |
| <input type="checkbox"/> Assignment and Form PTO-1595 | <input type="checkbox"/> § 8 & 15 Declaration |
| <input type="checkbox"/> Small Entity Declaration | <input type="checkbox"/> Transmittal |
| <input checked="" type="checkbox"/> Check No. <u>22983</u> For \$ <u>870.</u> — | <input checked="" type="checkbox"/> <u>Part 2 of Notice To File</u> |
| <input checked="" type="checkbox"/> Deposit Account Authorization | <input type="checkbox"/> <u>MIP</u> |
| Mailed: <u>3/11/02</u> | <input type="checkbox"/> _____ |
| | <input type="checkbox"/> _____ |
| | <input type="checkbox"/> _____ |



MORRISON LAW FIRM
145 NORTH 5TH AVE.
MT. VERNON, N.Y. 10550

THOMAS R. MORRISON

22983

COMMISSIONER OF PATENTS
AND TRADEMARKS

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AMOUNT

DATE

INVOICE NUMBER



\$870.00

2/25/02

M2047-35

DATE

CHECK NUMBER

		THOMAS R. MORRISON NEW YORK 10035 ATTORNEY AT LAW	
PAY TO THE ORDER OF		COMMISSIONER OF PATENTS AND TRADEMARKS WASHINGTON DC 20231	
*****EIGHT HUNDRED SEVENTY & 00/XX DOLLARS		DATE	
AMOUNT		2/25/02	
\$870.00			
THE BANK OF NEW YORK FLEETWOOD, NEW YORK 10561 50-235/219		22983	
AUTHORIZED SIGNATURE			
10/20/02 10214021521 10 238714			

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Shinichi TSUMORI et al.
Serial No. : 10/024,320
File Date : December 18, 2001
Title : IP PACKET TRANSMISSION APPARATUS, IP PACKET
TRANSMISSION METHOD, AND RECORDING MEDIUM HOLDING
PROGRAM FOR SAME
Art Unit : 2661 Examiner:
Docket No. : M2047-35

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Box: Missing Parts, Washington D.C. 20231 on:

Date : *March 11, 2002*
By : Inga Hildreth
Signature : *Inga Hildreth*

Hon. Commissioner for Patents
Box: Missing Parts
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

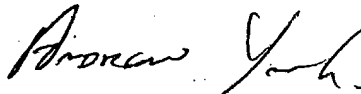
In response to the Notice to File Missing Parts of Application dated January 24, 2002, enclosed herewith please find the following:

- * Declaration and Power of Attorney;
- * IDS and Form PTO-1449 with one reference;
- * Copy of Notice to File Missing Parts of Nonprovisional Application;
- * Check for \$870 to cover the large entity filing fee (\$740) and late filed Declaration surcharge (\$130).

Please charge any deficiencies or credit any overpayments to our Deposit Account No.
13-4550.

It is submitted that the enclosed documents satisfy all outstanding filing requirements in
this application. A Filing Receipt is respectfully requested.

Respectfully Submitted,



Andrew F. Young

Reg. No. 44,001

Attorney for Applicant

MORRISON LAW FIRM
145 North Fifth Avenue
Mount Vernon, New York 10550
(914) 667-6755



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/024,320	12/18/2001	Shinichi Tsumori	M2047-35

CONFIRMATION NO. 6688

FORMALITIES LETTER



OC000000007357935

MORRISON LAW FIRM
145 North Fifth Avenue
Mt. Vernon, NY 10550

Date Mailed: 01/24/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

M2047-35

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

IP PACKET TRANSMISSION APPARATUS,
IP PACKET TRANSMISSION METHOD, AND
RECORDING MEDIUM HOLDING PROGRAM
FOR SAME

上記発明の明細書はここに添付されているが、下記の額がチェックされている場合は、この限りでない：

the specification of which is attached hereto unless the following box is checked:

☐ _____ の日に出願され、
この出願の米国出願番号またはPCT国際出願番号は、
_____ であり、且つ
_____ の日に補正された出願（該当する場合）

☐ was filed on December 18, 2001
as United States Application Number or
PCT International Application Number
10/024,320 and was amended on
_____ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編規則1.56に定義されている、特許性について重要な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Japanese Language Declaration
(日本語宣言書)

M2047-35

私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一國を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(e)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Prior Foreign Application(s)

外国での先行出願

2000-389976

Japan

22/December/2000

Priority Not Claimed

優先権主張なし

(Number)
(番号)(Country)
(国名)(Day/Month/Year Filed)
(出願日/月/年)☐(Number)
(番号)(Country)
(国名)(Day/Month/Year Filed)
(出願日/月/年)☐

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編第119条(e)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)
(出願番号)(Filing Date)
(出願日)(Application No.)
(出願番号)(Filing Date)
(出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米國を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1、56に定義された特許性に関わる重要な情報について開示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)
(出願番号)(Filing Date)
(出願日)(Status: Patented, Pending, Abandoned)
(現況: 特許許可、係属中、放棄)(Application No.)
(出願番号)(Filing Date)
(出願日)(Status: Patented, Pending, Abandoned)
(現況: 特許許可、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration
 (日本語宣言書)

M2047-35

委任状: 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び/または弁理士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Thomas R. Morrison, Esq. (Reg. No. 27,361), Lyman H. Smith (Reg. No. 44,342), Andrew F. Young, Esq. (Reg. No. 44,001)

書類送付先

Send Correspondence to:

Thomas R. Morrison, Esq.
 MORRISON LAW FIRM
 145 North Fifth Avenue
 Mount Vernon, NY 10550

直通電話連絡先: (氏名及び電話番号)

Direct Telephone Calls to: (name and telephone number)

Thomas R. Morrison, Esq. (914) 667-6755

唯一または第一発明者氏名

Full name of sole or first inventor

Shinichi TSUMORI

発明者の署名

日付

Inventor's signature

Date

Shinichi Tsumori 14/02/2002

住所

Residence

Oogaki-Shi, Japan

国籍

Citizenship

Japanese

郵便の宛先

Post Office Address

c/o Matsushita Electric Industrial Co., Ltd.

1006, Oaza Kadoma, Kadoma-Shi
 Osaka 571-8501, Japan

第二共同発明者がある場合、その氏名

Full name of second joint inventor, if any

Masayuki KUMAZAWA

第二共同発明者の署名

日付

Second inventor's signature

Date

Masayuki Kumazawa 20/02/2002

住所

Residence

Kasuya-Gun, Fukuoka-Ken, Japan

国籍

Citizenship

Japanese

郵便の宛先

Post Office Address

c/o Matsushita Electric Industrial Co., Ltd.

1006, Oaza Kadoma, Kadoma-Shi
 Osaka 571-8501, Japan

(第三以下の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for third and subsequent joint inventors.)

Please type a plus sign (+) inside this box → ☐

M2047-35

Based upon PTO/SB/02A (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION

ADDITIONAL INVENTOR(S)

Supplemental Sheet

Page 7 of 7

追加発明者に対する署名の
ページは必要に応じ増強する

Japanese Language Declaration (日本語宣言書)

Signature page for additional inventors
use as many pages as necessary

唯一または第 発明者氏名	Full name of Inventor
	Yuji SHIMIZU
発明者の署名	Inventor's signature
日付	Date
	Yuji Shimizu 25/02/2002
住所	Residence
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In the Matter of the Application of S. Tsumoto, et al
the following, due 3/24/02 in the U.S. Patent and Trademark Office, was received
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☐ Affidavit or ☐ Declaration
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☐ Application for Registration/Renewal Including
 Specimens/Facsimiles ☐ ITU
☐ Assignment and Form PTO-1595
☐ Small Entity Declaration
☒ Check No. 22913 For \$ 870.
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☐ Drawings _____ Sheet(s) including
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☐ Power of Attorney
☒ IDS and Form PTO-1449 w/imp
☐ Priority Document(s)
☐ § 8 & 15 Declaration
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